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Minneapolis, MN 55440-1022

In re Application of
Price et al.
Application No. 09/899,808
Filed: November 28, 2006
Attorney Docket No.

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: DECISION GRANTING LETTER
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This decision is in response to Applicant's 'REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT' filed on November 28, 2006 requesting that the USPTO review the PTA determination at the time of the mailing of the notice of allowance.

Applicant's letter concerning PTA is **GRANTED**. The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to reflect a determination of **192 days** of PTA. A copy of the adjusted PTA calculation is provided with this determination.

Applicant asserts that the USPTO may have granted too much PTA at the time of the notice of allowance. Applicant requests review of the PTA determination but did not provide any assert any specific reason for the discrepancy.

A review of the record reflects that applicant is correct. The Office failed to reduce the PTA for the submission of the noncompliant RCE on January 23, 2006 a 102-day delay pursuant to 37 CFR 1.704(c)(7). The application filed the Request for Continued Examination (RCE) on January 23, 2006. However, the RCE submission was noncompliant because the amendment to the claims was not proper under the amendment rules. Applicants resubmitted the amendment in proper form on May 5, 2006. Accordingly, applicant delay should have occurred between January 24, 2006 and May 5, 2006. There was no error in the assessment of 463 days of USPTO delay under 37 CFR 1.702(a)(1). Nor was there any errors in assessment of applicant delays of 31 and 71 under 37 CFR 1.704(b). Overall, the amount of PTA is 192 (463-32-102-71=192).

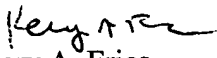
The USPTO acknowledges that any delays pursuant to 37 CFR 1.702(a)(4) and 1.702(b) will be added at the time of the issuance of the patent and will be reflected in the PTA determination provided to applicant in the issue notification letter.

After the mailing of this decision, the Office will forward this application to the Office of Publications for a prompt issuance of the patent.

If applicant believes that the Office erred in calculating the PTA for reasons other than provided in this decision, applicant may provide further clarification as to the inaccuracy of such calculation.

Because applicants were providing good faith and candor notice as to the amount of PTA, no fee is being assessed.

Any questions concerning this decision should be directed to Kery Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy, at 571-272-7757.


Kery A. Fries
Senior Legal Advisor,
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

cc: Adjusted PAIR calculation

Day : Tuesday
Date : 3/20/2007

Time : 14:48:05

PALM INTRANET

PTA Calculations for Application: 09/899808

Application Filing Date:	07/05/2001	PTO Delay (PTO):	463
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	169
Post-Issue Petitions:	0	Total PTA (days):	192
PTO Delay Adjustment:	-102		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
84	03/20/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		102	
78	08/23/2006	MAIL NOTICE OF ALLOWANCE			
77	08/23/2006	MAIL FORMAL DRAWINGS REQUIRED			
76	08/09/2006	ISSUE REVISION COMPLETED			
75	07/24/2006	FORMAL DRAWINGS REQUIRED			
74	07/24/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
73	07/24/2006	NOTICE OF ALLOWABILITY			
72	05/13/2006	DATE FORWARDED TO EXAMINER			
71	05/05/2006	RESPONSE AFTER NON-FINAL ACTION			
70	04/06/2006	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE RCE AMENDMENT			
69	04/03/2006	NOTICE OF INFORMAL OR NON-RESPONSIVE RCE AMENDMENT.			
68	08/24/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
67	03/09/2006	CORRESPONDENCE ADDRESS CHANGE			
66	02/01/2006	DATE FORWARDED TO EXAMINER			
65	01/23/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
64	02/01/2006	DATE FORWARDED TO EXAMINER			
63	01/23/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)		32	59
62	02/01/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
61	01/23/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
60	01/23/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			

59	09/22/2005	MAIL FINAL REJECTION (PTOL - 326)			
58	09/19/2005	FINAL REJECTION			
57	08/24/2005	REFERENCE CAPTURE ON IDS			
56	08/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		64	49
55	06/29/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
54	06/19/2003	REFERENCE CAPTURE ON IDS			
53	07/19/2002	REFERENCE CAPTURE ON IDS			
52	01/31/2002	REFERENCE CAPTURE ON IDS			
51	06/21/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
50	06/29/2005	DATE FORWARDED TO EXAMINER			
49	06/21/2005	RESPONSE AFTER NON-FINAL ACTION			
48	03/21/2005	MAIL NON-FINAL REJECTION			
47	03/17/2005	NON-FINAL REJECTION			
46	01/13/2005	DATE FORWARDED TO EXAMINER			
45	01/05/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
44	01/13/2005	DATE FORWARDED TO EXAMINER			
43	01/05/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)			
42	01/13/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
41	01/05/2005	WORKFLOW INCOMING AMENDMENT IFW			
40	01/05/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
39	12/23/2004	MAIL ADVISORY ACTION (PTOL - 303)			
38	12/21/2004	ADVISORY ACTION (PTOL-303)			
37	12/16/2004	DATE FORWARDED TO EXAMINER			
36	12/07/2004	AMENDMENT AFTER FINAL REJECTION			
35	10/05/2004	MAIL FINAL REJECTION (PTOL - 326)			
34	10/04/2004	FINAL REJECTION			
33	07/15/2004	NEW OR ADDITIONAL DRAWING FILED			
32	07/22/2004	DATE FORWARDED TO EXAMINER			
31	07/15/2004	RESPONSE AFTER NON-FINAL ACTION		2	29
30	07/15/2004	WORKFLOW INCOMING AMENDMENT IFW			
29	04/13/2004	MAIL NON-FINAL REJECTION			
28	04/08/2004	NON-FINAL REJECTION			
27	01/29/2004	DATE FORWARDED TO EXAMINER			

26	01/09/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
25	03/20/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
24	12/12/2003	MAIL RESTRICTION REQUIREMENT	463		-1
23	12/12/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
22	09/17/2003	CASE DOCKETED TO EXAMINER IN GAU			
21	09/17/2003	CASE DOCKETED TO EXAMINER IN GAU			
20	07/29/2003	CASE DOCKETED TO EXAMINER IN GAU			
19	06/19/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	02/04/2003	CASE DOCKETED TO EXAMINER IN GAU			
17	01/31/2002	PRELIMINARY AMENDMENT			
16	01/31/2002	INCOMING LETTER PERTAINING TO THE DRAWINGS			
15	07/19/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	08/05/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	11/14/2002	CASE DOCKETED TO EXAMINER IN GAU			
12	01/31/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	02/22/2002	APPLICATION DISPATCHED FROM OIPE			
10	02/08/2002	APPLICATION IS NOW COMPLETE			
8	01/31/2002	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM		71	5
7	01/31/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	01/31/2002	APPLICANT HAS SUBMITTED NEW DRAWINGS TO CORRECT CORRECTED PAPERS PROBLEMS			
5	08/21/2001	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	08/20/2001	CORRESPONDENCE ADDRESS CHANGE			
2	07/13/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
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EXPLANATION OF PTA CALCULATION

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